

## Board of Pharmacy

### Revised Initial Statement of Reasons

Changes made to the originally proposed language are shown by ~~single strike-through~~ for deleted language and single underline for added language.

Subject Matter of Proposed Regulation:      Compounding Drug Preparations

Sections Affected:      Amend § 1735 of Article 4.5 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1735.1 of Article 4.5 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1735.2 of Article 4.5 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1735.3 of Article 4.5 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1735.4 of Article 4.5 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1735.5 of Article 4.5 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1751 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1751.1 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1751.2 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1751.3 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1751.4 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1751.5 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1751.6 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1751.7 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1751.8 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Add § 1751.9 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Amend § 1751.10 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Add Article 7.5 of Division 17 of Title 16 Cal.Code Reg.  
Add § 1752 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Add § 1753 of Article 7 of Division 17 of Title 16 Cal.Code Reg.  
Add § 1754 of Article 7 of Division 17 of Title 16 Cal.Code Reg.

#### Specific Purpose of the Proposed Changes/ Rationales/Problems Addressed

The Board of Pharmacy (“Board”) proposes to amend Sections 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8 and Sections 1751, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8, and 1751.10, as well as add Article 7.5 and Sections 1751.9, 1752, 1753, and 1754 of Division 17 of Title 16 of the California Code of Regulations (“CCR”) for the purpose of amending the board’s regulations specific to the compounding of drug products as part of the board’s efforts to strengthen the regulation and enforcement of pharmacies that compound sterile drug products and as a result of Senate Bill (SB) 294 (Emmerson, Statutes of 2013, Chapter 565.), as specified below.

The Pharmacy Law provides for the licensure and regulation of pharmacists and pharmacy corporations in this state by the California State Board of Pharmacy. Existing law requires the

board to adopt regulations establishing standards for compounding injectable sterile drug products in a pharmacy. Existing law requires pharmacies to obtain a license from the board, subject to annual renewal, in order to compound injectable sterile drug products. A similar licensing requirement applies to nonresident pharmacies compounding injectable sterile drug products for shipment into California. A violation of the Pharmacy Law is a crime.

SB 294 commencing July 1, 2014, expands these provisions to prohibit a pharmacy from compounding or dispensing, and a nonresident pharmacy from compounding for shipment into this state, sterile drug products for injection, administration into the eye, or inhalation, unless the pharmacy has obtained a sterile compounding pharmacy license from the board. SB 294 also specifies requirements for the board for the issuance or renewal of a license, and requirements for the pharmacy as a licensee. SB 294 requires the board to adopt regulations to implement these provisions, and, on and after July 1, 2014, to review formal revisions to specified national standards relating to the compounding of sterile preparations to determine whether amendments to those regulations are necessary, as specified.

As specified in Business and Professions Code Section 4001.1, protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. This section further states that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Included as part of the federal Drug Quality and Security Act (HR 3204), that became law on November 27, 2013, are provisions that establish provisions for federal regulation and oversight of large scale drug compounding by “outsourcing facilities.” The federal law sets forth voluntary requirements for licensure and enforcement of these entities. However, California’s law is more restrictive than the federal law in several areas. California will continue to require any pharmacy that is compounding sterile products for California residents or practitioners to possess licensure with the board and comply with California requirements as sterile compounding pharmacies. She also indicated that FDA may also require or encourage licensure as an outsourcing facility.

Under the current federal regulatory system, drug manufacturers are regulated by the Food and Drug Administration (FDA). Prior to the enactment of the Drug Quality and Security Act, compounding pharmacies were regulated by their respective states of residence. Compounding pharmacies also make drugs, but they are limited to producing small amounts in response to a specific patient’s prescription, or to create a small supply for an identifiable patient population to ensure continuity of treatment. The state-by-state approach to regulating compounding organizations yields inconsistent standards and varying levels of enforcement on an industry that ships dangerous drugs across state lines.

Additionally, there are compounding professional standards that are used across the nation known as the United States Pharmacopeia and The National Formulary (USP–NF). USP–NF is a book of public pharmacopeial standards. It contains standards for (chemical and biological drug

substances, dosage forms, and compounded preparations), excipients, medical devices, and dietary supplements. USP–NF is a combination of two compendia, the United States Pharmacopeia (USP) and the National Formulary (NF). Monographs for drug substances, dosage forms, and compounded preparations are featured in the USP. Monographs for dietary supplements and ingredients appear in a separate section of the USP. Excipient monographs are in the NF. The U.S. Federal Food, Drug, and Cosmetics Act designates the USP–NF as the official compendia for drugs marketed in the United States. A drug product in the U.S. market must conform to the standards in USP–NF to avoid possible charges of adulteration and misbranding.

In October 2012, the New England Compounding Center (NECC), based in Massachusetts, shipped contaminated product throughout the country, including California that resulted in the death of more than 60 people and 750 patients becoming ill from the tainted injections. NECC's compounding facility had obvious ongoing safety violations, but continued to operate and ship products despite employee whistleblower complaints to management. The compounding facility failed to maintain its clean room. The air intake for the clean room was contaminated and shared with the neighboring furniture recycling facility, and employees discovered mold on various work and storage surfaces several times per year. Yet, NECC remained accredited and was licensed to ship sterile compounded injectable products into California.

Because the board had to rely on third-party accreditation, the board did not have the opportunity or authority to inspect NECC or prevent NECC from shipping products into California until patients in other states had already been harmed.

NECC is not the only compounding pharmacy to have recently caused significant patient harm. In June 2012, a sterile injectable pharmacy located in Florida shipped contaminated product into California which resulted in significant patient harm, including blindness in some cases. Again, the board was only able to take action after patient harm had already occurred.

At the October 2013 Board Meeting, the board moved to initial notice of proposed changes in the California's compounding regulations (located in 16 California Code of Regulations Sections 1735 et seq. and 1751 et seq). The 45-day comment period ran from November 29, 2013 – January 13, 2014. A regulation hearing was held on January 16, 2014, to provide the public with an opportunity to provide comments in another forum.

During the notice period, the board received many written and oral comments. Board staff sorted all written and oral comments received by section number, to facilitate review all of related comments by section. This compilation document was available at the January 2014 board meeting and online. At the January 2014 board meeting, the board made a motion to allow the sterile compounding workgroup to work through the comments received and submit a second version of the proposed text based on comments.

After reviewing and considering the written and oral comments received, board staff recommended to the board to withdraw the current rulemaking file originally noticed

November 29, 2013, and provide general guidance from the sterile compounding workgroup to develop new updated language based on substantive comments received by the board and notice the revised language as a new rulemaking. At the April 2014 Board meeting, the board agreed with the recommendation. The board submitted a “Decision Not to Proceed” with the rulemaking file and was published in the California Notice Register on May 9, 2014.

The board’s sterile compounding workgroup continued to work with stakeholders provide for revised languages that maintained the board’s as well as addressed stakeholders’ concerns. The board’s proposal demonstrates the board’s desire to ensure California compounding regulations reflect at minimum the compounding standards used in the profession. With the approval of SB 294 by the Legislature and Governor, parameters will be established and will provide uniformity for pharmacies that carry out compounding in general (including sterile injectable).

At the July 2014 Board Meeting, the board moved to initial notice of proposed changes in the California’s compounding regulations (located in 16 California Code of Regulations Sections 1735 et seq. and 1751 et seq). The 45-day comment period ran from September 05, 2014 – October 20, 2014. A regulation hearing was held on November 04, 2014, to provide the public with an opportunity to provide comments in another forum.

During the notice period, the board received many written and oral comments. Board staff sorted all written and oral comments received by section number, to facilitate review all of related comments by section. This compilation document was available at the January 2015 board meeting and online. At the January 2015 board meeting, the board moved to modify the language and notice the modified text for a new comment period. The 15-day comment period ran from February 06, 2015 – February 20, 2015.

During the second notice period, the board received many additional written comments. Board staff sorted all written and oral comments received by section number, to facilitate review all of related comments by section. This compilation document was available at the March 2015 board meeting and online. At the March 2015 board meeting, the board moved to modify the language again and notice the new modified text for a new comment period. The second 15-day comment period ran from March 11, 2015 – March 25, 2015.

After reviewing and considering all the written and oral comments received, board staff recommended to the board to withdraw the current rulemaking file originally noticed September 04, 2014, and notice the revised language as a new rulemaking. At the April 2015 Board meeting, the board agreed with the recommendation. The board submitted a “Decision Not to Proceed” with the rulemaking file and was published in the California Notice Register on May 8, 2015.

#### Amend 16 CCR §1735

Existing regulations at 16 CCR §1735 specify requirements related to the compounding of drug products in licensed pharmacies.

The purpose of the board's proposal makes the following changes:

- Subdivision (4) adds "compounded" to clarify the type of drug preparation.
- Subdivision (4) deletes "product" and replaces with "preparation" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (4)(b) adds a comma between rectal and topical to clarify the separate routes of administration.
- Subdivision (4)(b) adds "the sole act of" to clarify tablet splitting is not included in the compounding definition.
- Subdivision (4)(b) adds "or crushing, capsule opening," to clarify these routes are not included in the compounding definition.
- Subdivision (c) was removed from the regulation for clarity as compounding a commercially available drug preparation is not allowed.
- Subdivision (d) is renumbered to subdivision (c) and deletes "injectable" referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July 1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The board's proposal addresses and eliminates the problem of board regulations being inconsistent with statute. The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1735.1

Existing regulations at 16 CCR § 1735.1 specify requirements related to the compounding of drug products, to include definitions of terms used throughout Articles 4.5 and 7.

The purpose of the board's proposal will add the following definitions or amend the following subdivisions as listed below.

- Subdivision (a) adds a definition of "ante-area" for purposes of compounding drug products. The definition clarifies and specifies "ante-area" means an ISO Class 8 or better area where personnel hand hygiene and garbing procedures, staging of components, and other high-particulate-generating activities are performed, that is

adjacent to the area designated for sterile compounding. It is a transition area that begins the systematic reduction of particles, prevents large fluctuations in air temperature and pressures in the buffer area and maintains air flows from clean to dirty areas.

- Subdivision (b) adds a definition of “beyond use date” for purposes of compounding drug products. The definition clarifies and specifies “beyond use date” means the date, or date and time, after which administration of a compounded drug preparation shall not be begun, the preparation shall not be dispensed, and the preparation shall not be stored (other than for quarantine purposes).
- Subdivision (c) adds a definition of “biological safety cabinet (BSC)” for purposes of compounding drug products. The definition clarifies and specifies “biological safety cabinet (BSC)” means a ventilated cabinet for compounded sterile drug preparations, having an open front with inward airflow for personnel protection, downward HEPA-filtered laminar airflow for product protection, and HEPA-filtered exhausted air for environmental protection.
- Subdivision (d) adds a definition of “buffer area” for purposes of compounding drug products. The definition clarifies and specifies “buffer area” means an area which maintains segregation from the adjacent ante-area by means of specific pressure differentials. The principle of displacement airflow shall be employed. This concept utilizes a low pressure differential, high airflow principle. Using displacement airflow typically requires an air velocity of 40 ft per minute or more from the buffer area across the line of demarcation into the ante-area. The displacement concept may not be used to maintain buffer area requirements for sterile compounds which originate from any ingredient that was at any time non-sterile, regardless of intervening sterilization of the ingredient, for hazardous compounds, or for chemotherapy compounds.
- Subdivision (e) adds a definition of “bulk drug substance” for purposes of compounding drug products. The definition clarifies and specifies “bulk drug substance” means any substance that, when used in the preparation of a compounded drug preparation, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug, but the term does not include any intermediate used in the synthesis of such substances.
- Subdivision (f) adds a definition of “cleanroom” for purposes of compounding drug products. The definition clarifies and specifies “cleanroom” means a physically separate room with walls and doors that provides at least an ISO Class 7 or better air quality where the primary engineering control (PEC) is physically located. A minimum differential positive pressure of 0.02- to 0.05-inch water column is required.
- Subdivision (g) adds a definition of “compounding aseptic isolator (CAI)” for purposes of compounding drug products. The definition clarifies and specifies “compounding aseptic isolator (CAI)” means a form of isolator specifically designed for compounding pharmaceutical ingredients or preparations. It is designed to maintain an aseptic compounding environment within the isolator throughout the compounding and material transfer processes. Air exchange into the isolator from the surrounding environment should not occur unless the air has first passed through a microbial retentive filter (HEPA minimum) system capable of containing airborne concentrations

of the physical size and state of the drug being compounded.

- Subdivision (h) adds a definition of “compounding aseptic containment isolator (CACI)” for purposes of compounding drug products. The definition clarifies and specifies “compounding aseptic containment isolator (CACI)” means a compounding aseptic isolator (CAI) designed to provide worker protection from exposure to undesirable levels of airborne drug throughout the compounding and material transfer processes and to provide an aseptic environment for compounding sterile preparations. Air exchange with the surrounding environment should not occur unless the air is first passed through a microbial retentive filter (HEPA minimum) system capable of containing airborne concentrations of the physical size and state of the drug being compounded. Where volatile hazardous drugs are prepared, the exhaust air from the isolator should be appropriately removed by properly designed building ventilation.
- Subdivision (i) adds a definition of “controlled cold temperature” for purposes of compounding drug products. The definition clarifies and specifies “controlled cold temperature” means 2 degrees to 8 degrees C (35.6 degrees to 46.4 degrees F).
- Subdivision (j) adds a definition of “controlled freezer temperature” for purposes of compounding drug products. The definition clarifies and specifies “controlled freezer temperature” means -25 degrees to -10 degrees C (-13 degrees to 14 degrees F).
- Subdivision (k) adds a definition of “controlled room temperature” for purposes of compounding drug products. The definition clarifies and specifies “controlled room temperature” means 20 degrees to 25 degrees C (68 degrees to 77 degrees F).
- Subdivision (l) adds a definition of “copy or essentially a copy” for purposes of compounding drug products. The definition clarifies and specifies “copy or essentially a copy” means a copy of a commercially available drug product includes all preparations that are comparable in active ingredients to commercially available drug products, except that it does not include any preparations in which there has been a change, made for an identified individual patient, which produces for that patient a significant difference, as determined by a prescribing practitioner, between that compounded preparation and the comparable commercially available drug product.
- Subdivision (m) adds a definition of “daily” for purposes of compounding drug products. The definition clarifies and specifies “daily” means occurring every day that a pharmacy is operating.
- Subdivision (n) adds a definition of “dosage unit” for purposes of compounding drug products. The definition clarifies and specifies “dosage unit” means a quantity sufficient for one administration to one patient, except that for self-administered ophthalmic drops, a quantity sufficient for 30 days or less shall be considered one dosage unit.
- Subdivision (o) is renumbered from previous subdivision (a).
- Subdivision (p) adds a definition of “first air” for purposes of compounding drug products. The definition clarifies and specifies “first air” means the air exiting the HEPA filter in a unidirectional air stream that is essentially particle free.
- Subdivision (q) adds a definition of “gloved fingertip sampling” for purposes of compounding drug products. The definition clarifies and specifies “gloved fingertip sampling” means a process whereby compounding personnel lightly press each fingertip and thumb onto appropriate growth media, which are then incubated at a temperature

and for a time period conducive to multiplication of microorganisms, and then examined for growth of microorganisms.

- Subdivision (r) adds a definition of “hazardous” for purposes of compounding drug products. The definition clarifies and specifies “hazardous” means all anti-neoplastic agents identified by the National Institute for Occupational Safety and Health (NIOSH) as meeting the criteria for a hazardous drug and any other drugs, compounds, or materials identified as hazardous by the pharmacist-in-charge.
- Subdivision (s) is renumbered from previous subdivision (b). Subdivision (s) amends the definition of “integrity” for the purposes of compounding drug products. The definition clarifies and specifies “integrity” means retention of potency until the beyond use date provided on the label, so long as the preparation is stored and handled according to the label directions after it is dispensed. The revised definition removes “retention of potency” and changes “expiration” to “beyond use” as well as changes “noted” to “provided.”
- Subdivision (t) adds a definition of “lot” for purposes of compounding drug products. The definition clarifies and specifies “lot” means one or more compounded drug preparation(s) prepared during one uninterrupted continuous cycle of compounding from one or more common active ingredient(s).
- Subdivision (u) adds a definition of “media-fill test” for purposes of compounding drug products. The definition clarifies and specifies “media-fill test” means a test that mimics compounding procedures using a growth-based media to demonstrate that aseptic techniques of compounding personnel or processes routinely employed do not result in microbial contamination. To be valid, media-fill tests must be conducted on both the most routine and the most challenging compounding procedures performed.
- Subdivision (v) adds a definition of “non-sterile-to-sterile batch” for purposes of compounding drug products. The definition clarifies and specifies “non-sterile-to-sterile batch” means any compounded drug preparation containing two (2) or more dosage units with any ingredient that was at any time non-sterile, regardless of intervening sterilization of that ingredient.
- Subdivision (w) adds a definition of “parenteral” for purposes of compounding drug products. The definition clarifies and specifies “parenteral” means a preparation of drugs administered in a manner other than through the digestive tract. This includes, but is not limited to, injection through one or more layers of skin, administration into the eye, and by inhalation.
- Subdivision (x) adds a definition of “personal protective equipment” for purposes of compounding drug products. The definition clarifies and specifies “personal protective equipment” means clothing or devices that protect the employee from exposure to drug products and minimize the contamination of compounded preparations. These include shoe covers, head and facial hair covers, face masks, gowns, and gloves.
- Subdivision (y) is renumbered from previous subdivision (c). Subdivision (y) amends the definition of “potency” for the purposes of compounding drug products. The definition clarifies and specifies “potency” means active ingredient strength within +/- 10% (or the range specified in USP37-NF32, 37th Revision, Through 2nd Supplement, Effective December 1, 2014) of the labeled amount by adding “(or the range specified in USP37-

NF32, 37th Revision, Through 2nd Supplement, Effective December 1, 2014).”

- Subdivision (z) adds a definition of “preparation” for purposes of compounding drug products. The definition clarifies and specifies “preparation” means a drug or nutrient compounded in a licensed pharmacy; the preparation may or may not be sterile.
- Subdivision (aa) adds a definition of “prescriber’s office” or “prescriber office” for purposes of compounding drug products. The definition clarifies and specifies “prescriber’s office” or “prescriber office” means an office or suite of offices in which a prescriber regularly sees patients for outpatient diagnosis and treatment. This definition does not include any hospital, pharmacy, or other facility, whether or not separately licensed, that may be affiliated with, adjacent to, or co-owned by, the prescriber’s practice environment.
- Subdivision (ab) adds a definition of “Primary Engineering Control (PEC)” for purposes of compounding drug products. The definition clarifies and specifies “Primary Engineering Control (PEC)” means a device that provides an ISO Class 5 or better environment through the use of unidirectional HEPA-filtered first air for the exposure of critical sites when compounding sterile preparations. Examples of PEC devices include, but are not limited to, laminar airflow workbenches, biological safety cabinets, compounding aseptic isolators, and compounding aseptic containment isolators.
- Subdivision (ac) adds a definition of “process validation” for purposes of compounding drug products. The definition clarifies and specifies “process validation” means demonstrating that when a process is repeated within specified limits, the process will consistently produce preparations complying with predetermined requirements. If any aspect of the process is changed, the process would need to be revalidated.
- Subdivision (ad) adds a definition of “product” for purposes of compounding drug products. The definition clarifies and specifies “product” means a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (ae) is renumbered from previous subdivision (d). Subdivision (ae) amends the definition of “quality” for the purposes of compounding drug products. The definition clarifies and specifies “quality” means the absence of harmful levels of contaminants, including filth, putrid, or decomposed substances, the absence of active ingredients other than those listed on the label, and the absence of inactive ingredients other than those noted on the master formula by adding “and the absence of inactive ingredients other than those noted on the master formula” to the definition. Additionally, the “and” before “absence of active” was removed for grammatical clarity.
- Subdivision (af) adds a definition of “segregated sterile compounding area” for purposes of compounding drug products. The definition clarifies and specifies “segregated compounding area” means a designated space for sterile-to-sterile compounding where a PEC is located within either a demarcated area (at least three foot perimeter) or in a separate room. Such area or room shall not contain and shall be void of activities and materials that are extraneous to sterile compounding. The segregated sterile compounding area shall not be in a location that has unsealed windows or doors that connect to the outdoors, in a location with high traffic flow, or in a location that is adjacent to construction sites, warehouses, or food preparation. The segregated sterile

compounding area shall not have a sink, other than an emergency eye-washing station, located within three feet of a PEC. The segregated sterile compounding area shall be restricted to preparing non-hazardous sterile-to-sterile compounded preparations.

- Subdivision (ag) is renumbered from previous subdivision (e). Subdivision (ag) amends the definition of “strength” for the purposes of compounding drug products. The definition clarifies and specifies “strength” means amount of active ingredient per unit of a compounded drug preparation. The word “preparation” replaced the word “product” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.

The rationale that these changes are necessary is based on the fact that the proposed language ensures consistency in for all compounded drug products with sterile ingredients and not limit it to only those sterile drug products from one or more non-sterile ingredients. The board’s proposal addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1735.2

Existing regulations at 16 CCR §1735.2 specify compounding limitations and requirements; self-assessment.

The purpose of the board’s proposal makes the following changes:

- Subdivision (a) deletes “product” twice and replaces with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (b) deletes “product” replaces with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (c) deletes “as used in” and replaces with “that may be furnished to a prescriber for office use by the prescriber as authorized by” to clarify the application of “reasonable quantity” in accordance with Business and Professions Code section 4052. The word “subdivision” is added to clarify the regulation refers to subdivision (a)(1) of the Section 4052 of the Business and Professions Code.
- Subdivision (c) deletes “product” and replaces with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.

- Subdivision (c)(1) further clarifies subdivision (c) and deletes “or application to patients in the prescriber’s office, or for distribution of not more than” and “to the prescriber’s patients, as estimated by the prescriber” and adds “ordered by the prescriber or the prescriber’s agent and paid for by the prescriber at a price that fairly reflects the fair market value of each drug preparation, using a purchase order or other documentation received by the pharmacy prior to furnishing that lists the number of patients seen or to be seen in the prescriber’s office for whom the drug is needed or anticipated, and the quantity for each patient that is”; “either office”; and “or furnishing of.” This addition ensures that the prescriber is ordering and paying for the compounded drug preparations in a reasonable quantity.
- Subdivision (c)(2) further clarifies subdivision (c) by adding “is delivered to the prescriber’s office and signed for by the prescriber or the prescriber’s agent; and.” This addition ensures that the prescriber is receiving the compounded drug preparations in a reasonable quantity at their office.
- Subdivision (c)(3) further clarifies subdivision (c) by adding “is sufficient for administration or application to patients solely in the prescriber's office, or for furnishing of not more than a 72-hour supply for human medical practices, or a 120-hour supply for veterinary medical practices, solely to the prescriber's own patients seen as part of regular treatment in the prescriber's office, as fairly estimated by the prescriber and documented on the purchase order or other documentation submitted to the pharmacy prior to furnishing; and.” This addition ensures that the prescriber is ordering and paying for the compounded drug preparations in a reasonable quantity for their own patient use.
- Subdivision (c)(4) is renumbered from subdivision (c)(2) and further clarifies subdivision (c) by adding “That the pharmacist has a credible basis for concluding.” This addition clarifies the reasoning needed to conclude that the amount requested is reasonable.
- Subdivision (c)(5) is renumbered from subdivision (c)(3) and further clarifies subdivision (c) by replacing “product” with “preparation; and” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. Additionally, “for” was deleted and replaced with “With regard to.” Finally, “to whom the pharmacy furnishes” and “with regard to” were added and “taken as a whole” was deleted for further clarity.
- Subdivision (c)(6) further clarifies subdivision (c) by adding “does not exceed an amount the pharmacy can reasonably and safely compound.” This was added to ensure patient safety by clarifying the amount that can be safely compounded.
- Subdivision (d) adds the following language to specify when a pharmacy or pharmacist shall not compound a drug preparation by adding, “No pharmacy or pharmacist shall compound a drug preparation that:
  - (1) Is classified by the FDA as demonstrably difficult to compound;
  - (2) Appears on an FDA list of drugs that have been withdrawn or removed from the market because such drugs or components of such drugs have been found to be unsafe or not effective; or

(3) Is a copy or essentially a copy of one or more commercially available drug products, unless that drug product appears on an ASHP (American Society of Health-System Pharmacists) or FDA list of drugs that are in short supply at the time of compounding and at the time of dispense, and the compounding of that drug preparation is justified by a specific, documented medical need made known to the pharmacist prior to compounding. The pharmacy shall retain a copy of the documentation of the shortage and the specific medical need in the pharmacy records for three years from the date of receipt of the documentation.

- Subdivision (e) is renumbered from previous subdivision (d) and replaces “product” with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (e)(3) deletes “Expiration dating requirements.” and replaces with “The maximum allowable beyond use date for the preparation, and the rationale or reference source justifying its determination.” [This was added to clarify the expiration date requirements necessary for the master formula record.](#)
- Subdivision (e)(5) deletes “Process and/or procedure” and replaces with “Specific compounding steps” to clarify the requirement for identifying what is used to prepare the drug of a master formula. [This was added to clarify the expiration date requirements necessary for the master formula record.](#)
- Subdivision (e)(8) further clarifies subdivision (e) by adding “Instructions for storage and handling of the compounded drug preparation.” This language was moved from section 1735.3 of the California Code of Regulations and added here as it should be maintained [ed](#) with the written master formula.
- Subdivision (f) is renumbered from previous subdivision (e) and replaces “product” with “preparation” in two places to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (g) is renumbered from previous subdivision (f) and replaces “product” with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. Additionally, “the beyond use date indicated on the label, so long as label instructions for storage and handling are followed after the preparation” was added to hold the pharmacist responsible for the integrity, potency, quality, and labeled strength of a compounded drug preparation if the storage and handling instructions are followed.
- Subdivision (h) is renumbered from previous subdivision (g) and deletes the “l” in the word “compendial” making word “compendia” for accuracy.
- Subdivision (i) is renumbered from previous subdivision (h) and replaces “product(s)” with “preparation(s)” four times and adds “, stored, transported, or administration begun.” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. “An expiration” is changed to “A beyond use” and to clarify the date representing the date beyond which it is used.

“180 days from preparation” was relocated in the paragraph ~~to read~~ and amended to read “nor shall it exceed 1800 days from preparation” and “longer” was replaced with “later.” Finally, “the same” was changed to “identical” to clarify that identical components must be used.

- Subdivision (j) is renumbered from previous subdivision (i) and replaces “product” with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Previous subdivision (j) was removed from the regulation. The Pharmacy Compounding Self-Assessment must be re-designed to incorporate the changes with this regulation; as such, the self-assessment cannot be required as it will not be available.
- Subdivision (k) adds the following language to specify requirements for ingredients that are received without a supplier’s expiration date, “Packages of ingredients, both active and inactive, that lack a supplier’s expiration date are subject to the following limitations:
  - (1) such ingredients cannot be used for any non-sterile compounded drug preparation more than three (3) years after the date of receipt by the pharmacy unless either appropriate and documented inspection or analytical testing indicates that the ingredient has retained its purity and quality for use in compounded drug preparations, considering the container in which it is packaged and the storage conditions, and
  - (2) such ingredients cannot be used for any sterile compounded drug preparation more than one (1) year after the date of receipt by the pharmacy, unless either appropriate and documented inspection or analytical testing indicates that the ingredient has retained its purity and quality for use in compounded drug preparations, considering the container in which it is packaged and the storage conditions.”

[These additions are necessary to ensure purity and quality of ingredients used in compounded drug preparations.](#)

- California Code of Regulations sections 1735, 1735.1, 1735.8, and 1751.1-1751.8 are added to the References cited to ensure compliance with the Administrative Procedures Act.

The rationale that these changes are necessary is based on the board’s proposal to make specific and further clarify the requirements for compounding limitations as well as self-assessment requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

### Amend 16 CCR §1735.3

Existing regulations at 16 CCR §1735.3 specify requirements for recordkeeping of compounded drug products. The purpose of the board's proposal will change the section's title from "Records of Compounded Drug Products" to "Recordkeeping for Compounded Drug Preparations" to delineate the records are to be made and kept for compounded drug preparations. The rationale that this change is necessary is based on the fact that the board's proposal will clarify the board's intentions with regard to recordkeeping regulations and addresses the problem of ensuring the board's licensees understand the intent of the regulation. The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Existing regulations at 16 CCR §1735.3 specify recordkeeping for compounded drug preparations.

The purpose of the board's proposal makes the following changes:

- Subdivision (a) replaces "product" with "preparation" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The word "the" is also deleted to correct grammar.
- Subdivision (a)(2) replaces "product" with "preparation" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (a)(3) replaces "product" with "preparation" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The word "the" was replaced with "any" and the words "who compounded the" was replaced with "engaged in compounding the" to correct grammar.
- Subdivision (a)(4) replaces "product" with "preparation" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (a)(5) replaces "product" with "preparation" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (a)(6) replaces "products" with "preparations" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a

commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The phrase “to an inpatient in a health care facility licensed under section 1250 of the Health and Safety Code” was moved for ease of readability. The reference “Chapter 797 of the United States Pharmacopeia – National Formulary (USP-NF) (35th Revision, Effective May 1, 2012)” was updated to the current reference of ““Redispensed CSPs” found in Chapter 797 of the United States Pharmacopeia – National Formulary (USP37-NF32) Through 2nd Supplement (37th Revision, Effective December 1, 2014).” Additionally, “If the manufacturer does not supply an expiration date for any component, the records shall include the date of receipt of the component in the pharmacy, and the limitations of section 1735.2, subdivision (k) shall apply” was added to clarify the requirement for missing manufacturer expiration dates.

- Subdivision (a)(7) adds a hyphen to “pharmacy-assigned” to correct grammar. It also replaces “product” with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (a)(8) deletes “expiration” and replaces with “beyond use” to specify the requirement for determining the maximum allowable beyond use date and replaces “product” with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. Additionally, “expressed in the compounding record in a standard date and time format” was added to specify how the information should be documented to maintain a universal format.
- Subdivision (a)(9) adds the word “final” to specify the final quantity or amount. The subdivision also replaces “product” with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The phrase “for dispensing” is also added to the subdivision to clarify the requirement for which the final quantity or amount of drug preparation compounded.
- Subdivision (c) is reorganized to add “Active pharmaceutical ingredients shall be obtained from a supplier registered with the Food and Drug Administration (FDA). All other” and the “C” was changed from a capital to lowercase for grammar purposes. The word “and” is inserted between “substance” and “drug” products while “, and components” is deleted to specify the requirements. The word “products” is replaced with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The phrases “, whenever possible,” is added; “reliable” is deleted; and “FDA-registered” qualifier is added to specify requirements for suppliers. In the second sentence, the words “any available” is deleted and “either written in English or translated into English,” requiring certificate of purity or analysis be in English. The word “and” is added to include certificate of purity for chemicals, bulk drug substances, and drug products used in

compounding. The words “, and components” are deleted for redundancy. “Food and Drug Administration” was changed to “FDA” in the second to last sentence. Finally, the sentence “Any certificates of purity or analysis acquired by the pharmacy shall be matched to the corresponding product received.” is added requiring certificates of purity or analysis to be matched to the product received.

- Subdivision (d) is enhanced to add the sentence “If only recorded and stored electronically, on magnetic media, or in any other computerized form, the records shall be maintained as specified by Business and Professions Code section 4070 subsection (c).” providing the requirement for electronic records maintenance.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1735.3 are required to update the recordkeeping for compounded drug preparation requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1735.4

Existing regulations at 16 CCR §1735.4 specify requirements for labeling of compounded drug products. The purpose of the board’s proposal will change the section’s title from “Labeling of Compounded Drug Products” to “Labeling of Compounded Drug Preparations” to delineate the labeling requirements. The rationale that this change is necessary is based on the fact that the board’s proposal will clarify the board’s intentions with regard to labeling requirements in regulations for compounded drug preparations. The board’s proposal addressed the problem of ensuring the board’s licensees understand the intent of the regulation. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Existing regulations at 16 CCR §1735.4 specify labeling for compounded drug preparations.

The purpose of the board’s proposal makes the following changes:

- Subdivision (a) replaces “product” with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. Additionally, “or brand” was added to allow for both generic and brand names to be listed on the label.
- Subdivision (b) removes “or on the receipt” for a compounding statement and adds “Exempt from the requirements of this paragraph are those sterile drug preparations

compounded within a health care facility solely for administration, by a licensed health care professional, to patient of the facility. To be treated as such, the "health care facility" must be licensed under Health and Safety Code section 1250." to exempt health care facilities from the labeling requirement.

- Subdivision (c) replaces "products" with "preparations" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The phrase "the name of the compounding pharmacy and dispensing pharmacy, if different," is added to specify the name(s) of the pharmacies required to be on the label of a compounded drug preparation. The word "expiration" is deleted and replaced with "beyond use" to specify the requirement for determining the maximum allowable beyond use date. The words "concentration or" was removed to restrict the label to strength, volume, or weight and "of the preparation" was added for clarity.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1735.4 are required to update the labeling for compounded drug preparation requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1735.5

Existing regulations at 16 CCR §1735.5 specify compounding policies and procedures.

The purpose of the board's proposal makes the following changes:

Through-out this section "policy and procedure" was amended to "policies and procedures" are there may be more than one at a given location.

- Subdivision (a) adds the sentence "Any failure to follow the pharmacy's written policies and procedures shall constitute a basis for disciplinary action." to ensure pharmacies are required to adhere to their own policies and procedures.
- Subdivision (b) adds the phrase "and such review shall be documented" to ensure that reviews to policies and procedures are completed and noted as such. Additionally, "The policies and procedures manual" was added to the second sentence and "processes" was replaced with "policies and procedures" for clarification.
- Subdivision (c) adds a colon to the end of the text in the subdivision and "at least" is

added to allow for the policies and procedures to contain additional information.

- Subdivision (c)(1) changes “processes or to the policy and procedure manual” to “policies and procedures.”
- Subdivision (c)(2) removed “Documentation of a” and replaces it with “A written.” The word “product” is replaced with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. Additionally, “verification” was changed to “information” and “of a compounded drug product” was removed from the language as it was redundant. Finally, “The plan shall ensure that all affected doses can be accounted for during the recall” was added to ensure that a plan is established so recalled preparations are accounted for.
- Subdivision (c)(4) is added to include “The procedures for evaluating, maintaining, certifying, cleaning, and disinfecting the facility (physical plant) used for compounding, and for training on these procedures as part of the staff training and competency evaluation process.” thereby providing further clarification on procedures.
- Subdivision (c)(5) is renumbered from previous subdivision (4) and adds the phrase “The methodology must be appropriate to compounded drug preparations” as well as deleting “test” and replacing it with “validate” to further clarify documentation of methodology. The word “product” is replaced with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (c)(6) is renumbered from previous subdivision (5) and the word “expiration” is deleted and replaced with “beyond use” to specify the requirement for determining the maximum allowable beyond use date. The word “product” is replaced with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. Additionally, “and rationale or reference source” was added to clarify was documentation needs to be maintained.
- Subdivision (c)(7), (8), (9) and (10) were added to further clarify requirements for compounding policies and procedures.
  - (7) Dates and signatures of annual reviews of the policies and procedures manual by the pharmacist-in-charge.
  - (8) Dates and signatures of any revisions to the policies and procedures manual approved by the pharmacist-in-charge.
  - (9) Policies and procedures for storage of compounded sterile drug preparations in the pharmacy and daily documentation of all room, refrigerator, and freezer temperatures within the pharmacy.
  - (10) Policies and procedures regarding ensuring appropriate functioning of refrigeration devices, monitoring refrigeration device temperatures, and actions to take regarding any out of range temperature variations within the pharmacy.

[These requirements are necessary to ensure all compounding staff are following the](#)

same procedures.

- Business and Professions Code section 4301 is added to the References Cited to ensure compliance with the Administrative Procedures Act. The word “and” is deleted and replaced later in the citation for accuracy.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1735.5 are required to update the compounding policies and procedures requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Amend 16 CCR §1735.6

Existing regulations at 16 CCR §1735.6 specify compounding facilities and equipment.

The purpose of the board’s proposal makes the following changes:

- Subdivision (a) deletes the word “products” and replaces it with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. Additionally, “This shall include records of maintenance and cleaning of the facilities and equipment.” was added to ensure maintenance records are maintained and “also” was added to the third sentence for grammatical clarity.
- Subdivision (b) deletes the word “products” and replaces it with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. Additionally, “and” was moved to after “maintained” and “cleaned” was added to ensure that equipment is cleaned according to the manufacturers’ specifications.
- Subdivision (c) adds the phrase “that weighs, measures, or transfers ingredients” to specify what equipment this subdivision applies. The word “products” is deleted and replaces with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The phrase “, on a schedule and by a method determined by the manufacturer’s specifications,” is added to require pharmacy personnel to ensure the manufacturer’s specifications are included. Finally, “in writing” was replaced with “in a form which is not alterable” to allow for electronic records.
- Subdivision (d) was added and reads “Any pharmacy engaged in any hazardous drug compounding shall maintain written documentation regarding appropriate cleaning of

facilities and equipment to prevent cross-contamination with non-hazardous drugs.” This information was moved from 1751.3 of the California Code of Regulations for clarity.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1735.6 are required to update the compounding facilities and equipment for compounded drug preparation requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1735.7

Existing regulations at 16 CCR §1735.7 specify training of compounding staff requirements.

The purpose of the board’s proposal makes the following changes:

- Subdivision (a) adds “Additionally, documentation demonstrating that staff have been trained on all policies and procedures shall be maintained” and moves this requirement from the policies and procedures to this section ~~and~~ as this information should not be maintained in the policies and procedures.
- Subdivision (c) deletes the word “product” and replaces it with “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1735.7 are required to update the training of compounding staff for compounded drug preparation requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1735.8

Existing regulations at 16 CCR §1735.8 specify compounding quality assurance requirements.

The purpose of the board's proposal makes the following changes:

- Subdivision (a) deletes the word "products" and replaces it with "preparations" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (c) deletes the word "products" twice and replaces it with "preparations" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. Additionally, "analysis of compounded drug preparations to ensure" and "including the frequency of testing" was added to ensure these standards are documented in the quality assurance plan. The word "analysis" was removed for redundancy and "collated" was changed to "maintained along" for clarity. Finally, "The quality assurance plan shall include a schedule for routine testing and analysis of compounded drug preparations to ensure integrity, potency, quality, and labeled strength, on at least an annual basis" was added to ensure that annual testing and analysis are defined in the quality assurance plan.
- Subdivision (d) deletes the word "product" and replaces it with "preparation" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (e) is added to require "The quality assurance plan shall include a written procedure for responding to out-of-range temperature variations within the pharmacy or within patient care areas of a hospital where furnished drug is returned for re-dispensing." to ensure policies and procedures address out-of-range temperature variations at locations where drugs may be held.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1735.8 are required to update the compounding quality assurance requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1751

Existing regulations at 16 CCR §1751 specify requirements for sterile injectable compounding. The purpose of the board's proposal will change the section's title from "Sterile Injectable Compounding" to "Sterile Compounding" to delineate the sterile compounding requirements.

The rationale that this change is necessary is based on the fact that the board's proposal will clarify the board's intentions with regard to sterile compounding requirements in regulations and addressed the problem of ensuring the board's licensees understand the intent of the regulation. The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Existing regulations at 16 CCR §1751 specify sterile compounding requirements.

The purpose of the board's proposal makes the following changes:

- Subdivision (a) deletes "injectable" twice referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. Subdivision (a) also deletes "products" and replaces with "preparations" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (b) deletes "injectable" twice referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. Subdivision (b) also deletes "products" and replaces with "preparations" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. This subdivision also deletes "designated" and adds "compounding" and "designated." The word "drug" is added before preparation. These changes clarify the compounding area designated for the preparation of sterile drug preparations. The following phrase and sentence is added to enhance the understanding of the compounding area designated for the preparation of sterile drug preparations, "preparations that is in a restricted location where traffic has no impact on the performance of the PEC(s). The buffer area or cleanroom, including the walls, ceilings, and floors, shall be constructed in accordance with Section 1250.4 of Title 24, Part 2, Chapter 12, of the California Code of Regulations. The pharmacy shall be ventilated in a manner in accordance with Section 505.5 of Title 24, Part 4, Chapter 5 of the California Code of Regulations." The phrase "which shall meet the following standards:" was deleted and replaced with "The environments within the pharmacy

shall meet the following standards:" for clarity.

- Subdivision (b)(1), (2), and (3) were deleted and as the language was combined to subdivision (b).
- Subdivision (b)(1) is renumbered from the previous subdivision (b)(4) to state, "Each ISO environment shall be certified at least every six months by a qualified technician in accordance with Section 1751.4. Certification records must be retained in the pharmacy." This ensured the requirements for certification of ISO environments are done at least every six months in accordance with Section 1751.4 of the California Code of Regulations. The words "for at least 3 years" were removed and replaced with "in the pharmacy"
- Subdivision (b)(2) is renumbered from previous subdivision (5). The following sentence was deleted, "The pharmacy shall be arranged in accordance with Section 1250 of Title 24, Part 2, Chapter 12, of the California Code of Regulations." The word "injectable" was deleted once and replaced with "drug" referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July 1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. Subdivision (b) also deletes "products" and replaces with "preparations" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (b)(3) is renumbered from previous subdivision (6). The additions of ".4" and "Chapter 12" were made to the first sentence to clarify the chapter and section numbers being referenced. The following sentence was added to specify the location of sinks and drains, "Sinks and drains shall not be present in any ISO Class 7 or better buffer area or cleanroom, nor in a segregated sterile compounding area within three feet of an ISO Class 5 PEC. A sink may be located in an ante-area."
- Subdivision (b)(4) is renumbered from previous subdivision (7). In subdivision (b) (4), a comma was added and the "/or" was removed. Inserted after the comma is the phrase "where appropriate, a." A comma was inserted after the word "freezer." The phrase "or freezing, and a backup plan to ensure continuity of available compounded drug preparations in the event of a power outage" was added to the last sentence. These changes clarified the refrigerator/freezer requirements and the need for a power outage backup plan.
- Subdivision (c) is deleted in its entirety as it is redundant to have a regulation that requires compliance with a statute.
- Sections 1735, 1735.1-1735.8, and 1751.1-1751.8 of Title 16, Division 17, of the California Code of Regulations is added to the References Cited to ensure compliance with the Administrative Procedures Act. Additionally, section "4127.7" was removed from the References Cited and the reference was removed from the language and the word "and" was relocated for grammar.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751 are required to update the sterile compounding; compounding area; and self-assessment requirements for sterile compounded drug preparations. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1751.1

Existing regulations at 16 CCR §1751.1 specify requirements for sterile injectable recordkeeping requirements. The purpose of the board's proposal will change the section's title from "Sterile Injectable Recordkeeping Requirements" to "Sterile Compounding Recordkeeping Requirements" to delineate the sterile compounding recordkeeping requirements. The rationale that this change is necessary is based on the fact that the board's proposal will clarify the board's intentions with regard to sterile compounding requirements in regulations and addressed the problem of ensuring the board's licensees understand the intent of the regulation. The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Existing regulations at 16 CCR §1751.1 specify sterile compounding recordkeeping requirements.

The purpose of the board's proposal makes the following changes:

- Subdivision (a) is deleted in its entirety, "Pharmacies compounding sterile injectable products for future use pursuant to section 1735.2 shall, in addition to those records required by section 1735.3, make and keep records indicating the name, lot number, amount, and date on which the products were provided to a prescriber." This subdivision text is added as the new subdivision (b).
- Subdivision (a) is renumbered from previous subdivision (b) with the deletion of reference to the former subdivision (a) by deleting the following phrase "and subdivision (a)." The phrases "any pharmacy engaged in any compounding" and "drug" is added while "products" is deleted and replaced with "preparations" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. Additionally, "compounded from one or more non-sterile ingredients" is deleted to further clarify this requirement. Finally, "must be made

and kept by” was relocated and changed to “shall make and keep” and “within” was added to ensure that the records are made and kept within the pharmacy for inspector review.

- Subdivision (a)(1) added “Documents evidencing” and deleted “product” and replaced it with “drug preparation policies and” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA and ensure training documents are maintained. Additionally, an “s” was added to “evaluation” for grammar.
- Subdivision (a)(2) is added to include results of gloved fingertip testing assessments, “Results of hand hygiene and garbing assessments with integrated gloved fingertip testing.”
- Subdivision (a)(3) is added to include aseptic technique assessments, “Results of assessments of personnel for aseptic techniques including results of media-fill tests and gloved fingertip testing performed in association with media-fill tests.”
- Subdivision (a)(4) is added to include viable volumetric air and surface sampling, “Results of viable volumetric air and surface sampling.”
- Subdivision (a)(5) is renumbered from previous subdivision (a)(2) to include additional documentation of refrigerator and freezer temperature requirements. “Documents indicating daily recordation of room” was added to the beginning of the sentence with the “R” for refrigerator being changed to a lowercase “r” and a comma being added after refrigerator. The phrase was added to the end of the sentence and included the following temperatures, “appropriate for drug preparations consistent with the temperatures listed in section 1735.1 for:
  - (A) Controlled room temperature.
  - (B) Controlled cold temperature.
  - (C) Controlled freezer temperature.”The period after the colon was deleted for accuracy.
- Subdivision (a)(6) is renumbered from previous subdivision (a)(3) and added an “(s)” to “certification” and “environment” to include all certifications for the sterile compounding environments.
- Subdivision (a)(7) is added to include requirements for air pressure differentials and air velocity documentation, “Documents indicating daily recordation of air pressure differentials or air velocity measurements between all adjoining ISO rooms or areas, including those associated with compounding aseptic (containment) isolators, and air pressure differentials or air velocity measurements between all rooms or spaces with an immediate entry or opening to ISO rooms or areas.”
- Subdivision (a)(8) is renumbered from previous subdivision (a)(4) and the term “logs” was deleted and replaced with “records” for clarity.
- Subdivision (a)(9) is renumbered from previous subdivision (a) (5) to add the requirement of “Logs or other documentation” of inspections. The “I” from “Inspection” was changed to “i” and an “s” was added to “inspection” for accuracy. Additionally, “pharmaceutical products or raw ingredients” was replaced with “chemicals, bulk drug substances, drug products, or other ingredients” to align the

verbiage with other usage within the regulation.

- Subdivision (a)(10) is renumbered from previous subdivision (a)(6).
- Subdivision (b) is moved from the previous subdivision (a) and stated as, “Pharmacies compounding sterile drug preparations for future use pursuant to section 1735.2 shall, in addition to those records required by section 1735.3, make and keep records indicating the name, lot number, and amount of any drug preparation compounded for future use, the date on which any preparation was provided to a prescriber, and the name, address, and license number of the prescriber.”
- Subdivision (c) added the following sentence to address requirements for electronically stored data, “If only recorded and stored electronically, on magnetic media, or in any other computerized form, the records shall be maintained as specified by Business and Professions Code section 4070 subsection (c).”

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751.1 are required to update the sterile compounding recordkeeping requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1751.2

Existing regulations at 16 CCR §1751.2 specify sterile injectable labeling requirements. The purpose of the board’s proposal will change the section’s title from “Sterile Injectable Labeling Requirements” to “Sterile Compounding Labeling Requirements” to delineate the sterile compounding labeling requirements. The rationale that this change is necessary is based on the fact that the board’s proposal will clarify the board’s intentions with regard to sterile compounding requirements in regulations and addressed the problem of ensuring the board’s licensees understand the intent of the regulation. The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

The purpose of the board’s proposal makes the following changes:

- “California Code of Regulations” was added to ensure the correct citation for section 1735.4. The word “injectable” was deleted twice and replaced twice with “drug” referring to sterile injectable compounding and to reflect changes in current law as a

result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July 1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word “products” was deleted twice and replaced with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.

- Subdivision (a) changed the “T” in telephone to lowercase with the addition of “The” at the beginning of the sentence. The term “, except” was deleted and replaced with “The telephone number is not required on the label” for clarity. The word “injectable” and replaced with “drug” referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July 1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word “products” was deleted and replaced with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. A few minor grammatical changes were made in changing “for” to “to” and “of a” to “within the.” Finally, the term “pharmacy” was deleted as it applies to all compounding within a hospital and not just the pharmacy.
- Subdivision (b) deleted “concentration” and replaced it with “strength, volume, or weight” and the term “each” was added before “ingredient” for clarity and the “s” was removed from “ingredient” for grammar. The word “injectable” and replaced with “drug” referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July 1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word “products” was deleted and replaced with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (d) deleted the word “cytotoxic” twice and replaced it with “hazardous” in both locations. Cytotoxic agents are hazardous; however, not all hazardous are cytotoxic. This change expands the labeling to all hazardous agents.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751.2 are required to update the sterile compounding

labeling requirements for compounded drug preparation requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Amend 16 CCR §1751.3

Existing regulations at 16 CCR §1751.3 specify requirements for sterile injectable policies and procedures. The purpose of the board's proposal will change the section's title from "Sterile Injectable Policies and Procedures" to "Sterile Compounding Policies and Procedures" to delineate the sterile compounding policy and procedures requirements. The rationale that this change is necessary is based on the fact that the board's proposal will clarify the board's intentions with regard to sterile compounding requirements in regulations and addressed the problem of ensuring the board's licensees understand the intent of the regulation. The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Existing regulations at 16 CCR §1751.3 specify sterile compounding policies and procedures.

The purpose of the board's proposal makes the following changes:

- Subdivision (a) deleted the word "injectable" referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation and to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The term "policy and procedure" was modified to "policies and procedures" for grammar.
- Subdivision (a)(1) deleted the words "injectable compounds" referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.) and replaced with "drug preparations." California law prior to July1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation.

The word “compounds” was deleted and replaced with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.

- Subdivision (a)(2) deleted the word “injectable” and replaced with “compounded drug” referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July 1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word “product” was deleted and replaced with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (a)(3) added “Proper use of” and deleted the “E” replacing it with a “e” to further clarify the proper use of equipment and supplies.
- Subdivision (a)(4) is added to include garbing requirements, “Hand Hygiene and Garbing.”
- Subdivision (a)(5) is added to include media-fill testing, “Media-fill testing procedure.”
- Subdivision (a)(8) is added to include beyond use dating and preparation stability, “Compounded sterile drug preparation stability and beyond use dating.”
- Subdivision (a)(9) is added to include final quality checks, “Visual inspection and other final quality checks of sterile drug preparations.”
- Subdivision (a)(10) is added to include automated compounding devices, “Use of automated compounding devices (if applicable).”
- Subdivision (a)(11) is added to include non-sterile-to-sterile drug preparations, “Preparing sterile compounded drug preparations from non-sterile components (if applicable).”
- Subdivision (a)(12) is renumbered from previous subdivision (a)(4). The phrase “Training of staff in the preparation of sterile injectable drug products” was modified to read “Orientation, training, and competency evaluation of staff in all aspects of the preparation of sterile drug preparations including didactic training and knowledge/competency assessments that include at minimum: hand hygiene and garbing; decontamination (where applicable); cleaning and disinfection of controlled compounding areas; and proper aseptic technique” to further clarify what records need to be maintained for uniformity.
- ~~Subdivision (a)(12) is renumbered from (5) as the current (12). The phrase “, compounding and disposal of” was added while “cytotoxic” was replaced with “hazardous” to allow for more descriptive requirement for handling of hazardous agents.~~
- Subdivision (a)(13) is added to include pressure and airflow monitoring, “Airflow considerations and pressure differential monitoring.”
- Subdivision (a)(14) is added to include cleaning and maintenance, “Cleaning and

maintenance of ISO environments and segregated compounding areas.”

- Subdivision (a)(15) is added to include a sampling plan, “An environmental sampling plan and procedures specific to viable air, surface and gloved fingertip sampling as well as nonviable particle sampling.”
- Subdivision (a)(16) is added to include compounding aseptic isolators and compounding aseptic containment isolators, “For compounding aseptic isolators and compounding aseptic containment isolators, documentation of the manufacturer’s recommended purge time.”
- Subdivision (a)(17) is added to include temperature monitoring, “Temperature monitoring in compounding and controlled storage areas.”
- Subdivision (a)(18) is added to include certification and maintenance, “Facility management including certification and maintenance of controlled environments and related equipment.”
- Subdivision (a)(19) is added to include action levels for testing and sampling, “Action levels for colony-forming units (CFUs) detected during viable surface testing, glove fingertip and volumetric air sampling.”
- Subdivision (a)(20) is renumbered from previous subdivision (b) and reworded to add “The determination and approval by a pharmacist of” to the beginning of the sentence and the phrases “must be determined in writing” and “and must be reviewed by a pharmacist” were removed for clarity.
- Subdivision (a)(21) is renumbered from previous subdivision (c) and removed “Pharmacies compounding sterile injectable drug products preparations shall have written policies and procedures for the disposal of infectious materials and/or materials containing cytotoxic hazardous residues.” and added “Procedures for handling, compounding and disposal of hazardous agents.”
- Subdivision (a)(22) is added to include the portion of previous subdivision (c) that was removed in new subdivision (a)(21). The new language reads “Procedures for handling, compounding and disposal of infectious materials. The written policies and procedures shall describe the pharmacy protocols for cleanups and spills in conformity with local health jurisdiction standards.”
- Subdivision (a)(23) is added to include the cleaning schedule, “Daily and monthly cleaning and disinfection schedule for the controlled areas and any equipment in the controlled area as specified in section 1751.4.”
- Subdivision (b) is renumbered from previous subdivision (d)(3)(I) and amended to change “batch” to “lot” as “batch” was removed from the regulation. The subdivision now reads: “For lot compounding, the pharmacy shall maintain a written policies and procedures manual that includes, in addition to the elements required by section 1735.5 and 1751.3(a), written policies and procedures regarding the following:”
- Subdivision (b)(1) is added to further define the lot compounding requirements, “Use of master formulas and compounding work sheets.”
- Subdivision (b)(2) is added to further define the lot compounding requirements, “Appropriate documentation.”
- Subdivision (b)(3) is added to further define the lot compounding requirements, “Appropriate sterility and potency testing.”

- Subdivision (c) is renumbered from previous subdivision (d) and was rewritten to read “For non-sterile-to-sterile batch compounding, the pharmacy shall maintain a written policies and procedures manual for compounding that includes, in addition to the elements required by section 1735.5 and 1751.3(a), written policies and procedures regarding the following:”
- Subdivision (c)(1) is renumbered from previous subdivision (d)(3)(J) and was amended to add “methods” following “Sterilization.”
- Subdivision (c)(2) is renumbered from previous subdivision (d)(3)(K).
- Subdivision (d) is renumbered from previous subdivision (d)(1) and amended to add “manuals and materials” to further clarify the items that need to be available. The term “these” was deleted and replaced with “compounding” for clarity and the term “to” was added for grammar.
- Subdivision (e) is renumbered from previous subdivision (d)(2) and amended to delete the word “injectable products” referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation and to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. “This review must be documented by a signature and date” was added to require that the policies and procedures be signed and dated.
- Subdivision (d)(3) - (d)(3)(H) are removed in their entirety as they are defined in other locations or are redundant.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751.3 are required to update the sterile compounding policies and procedures for compounded drug preparation requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1751.4

Existing regulations at 16 CCR §1751.4 specify requirements for facility and equipment standards for sterile injectable compounding. The purpose of the board’s proposal will change the section’s title from “Facility and Equipment Standards for Sterile Injectable Compounding”

to “Facility and Equipment Standards for Sterile Compounding” to delineate the facility and equipment standards for sterile compounding. The rationale that this change is necessary is based on the fact that the board’s proposal will clarify the board’s intentions with regard to sterile compounding requirements in regulations and addressed the problem of ensuring the board’s licensees understand the intent of the regulation. The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Existing regulations at 16 CCR §1751.4 specify facility and equipment standards for sterile compounding.

The purpose of the board’s proposal makes the following changes:

- Subdivision (a) deleted the word “injectable” twice and replaced with “drug” once referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word “products(s)” was deleted twice and replaced with “preparation(s)” twice to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (b) added “compounding of” and removed “preparation of” to further clarify when this subdivision applied. Subdivision (b) also deleted the word “injectable” and replaced with “drug” referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word “products” was deleted and replaced with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The word “areas” was added and “area or cleanroom” was deleted prior to the addition of “for compounding” to further clarify the area in which this subdivision applies.
- Subdivision (c) added the word “areas” and “area or cleanroom” was deleted prior to the addition of “for compounding” to further clarify the area in which this subdivision applies.

- Subdivision (d) added the following to clarify where cleaning and disinfecting should take place, “Cleaning and disinfecting surfaces in the ISO Class 5 PEC shall occur frequently, including:
  - (1) At the beginning of each shift;
  - (2) Before and after each lot;
  - (3) After each spill; and
  - (4) When surface contamination is known or suspected.”
- Subdivision (e) is renumbered from previous subdivision (d). The sentence, “Exterior workbench surfaces and other hard surfaces in the designated area, such as walls, floors, ceilings, shelves, tables, and stools, must be disinfected weekly and after any unanticipated event that could increase the risk of contamination.” was deleted and the following inserted to be more specific in what must be disinfected, “Counters, cleanable work surfaces and floors shall be cleaned with a germicidal detergent and water and disinfected with a suitable agent daily. Walls, ceilings, storage shelving, tables and stools shall be cleaned with a germicidal detergent and water and disinfected with a suitable agent monthly. Cleaning and disinfecting shall occur after any unanticipated event that could increase the risk of contamination.”
- Subdivision (f) was added to clarify requirements for pharmacies preparing sterile compounded preparations requiring the use of a PEC that provides ISO Class 5 or better, “Pharmacies preparing sterile compounded preparations require the use of a PEC that provides ISO Class 5 air or better air quality. Certification and testing of primary and secondary engineering controls shall be performed no less than every six months and whenever the device or area designated for compounding is relocated, altered or a service to the facility is performed that would impact the device or area. Certification must be completed by a qualified technician who is familiar with certification methods and procedures in accordance with CETA Certification Guide for Sterile Compounding Facilities (CAG-003-2006-11, Revised January 31, 2012). Certification records must be retained for at least 3 years. Compounding aseptic isolators or compounding aseptic containment isolators may be used outside of an ISO Class 7 buffer area *or cleanroom* if the isolator meets the following criteria:
  - (1) Particle counts sampled approximately 6-12 inches upstream of the critical exposure site shall maintain ISO Class 5 levels during compounding operations.
  - (2) Not more than 3520 particles (0.5 um and larger) per cubic meter shall be counted during material transfer, with the particle counter probe located as near to the transfer door as possible without obstructing transfer.
  - (3) Recovery time to achieve ISO Class 5 air quality shall be documented and internal procedures developed to ensure that adequate recovery time is allowed after material transfer before and during compounding operations.

Compounding aseptic isolators or compounding aseptic containment isolators that do not meet the requirements as outlined in this subdivision or are not located within an ISO Class 7 buffer area may only be used to compound preparations that meet the criteria specified in accordance with subdivision (d) of Section 1751.8 of Title 16, Division 17, of the California Code of Regulations.”
- Subdivision (g) is renumbered from previous subdivision (e). The term “parenteral

cytotoxic” was deleted and replaced with “sterile hazardous” to specify the agents required. Additionally, Section “505.12.1” was changed to “505.5.1” due to a change in the California Code of Regulations. The words “laminar air flow hood” were replaced with “negative pressure PEC” and “hood” was replaced with “negative pressure PEC” for clarification of the equipment. Certification was clarified when “annually” was deleted and replaced with “every six months.” The reference of “the methods and procedures for certifying laminar air flow hoods and cleanroom requirements, in accordance with National Sanitation Foundation Standard 49 for Class II (Laminar Flow) Biohazard Cabinetry, as revised May, 1983 (available from the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106, phone number (313) 769-8010) or manufacturer's specifications.” was deleted and replaced with “CETA Certification Guide for Sterile Compounding Facilities (CAG-003-2006-11, Revised January 31, 2012)” to update the requirement reference. The sentence “Certification records must be retained for at least 3 years.” was deleted and these sentences were added to further define the requirement for the subdivision, “Any drug preparation that is compounded in a PEC where hazardous drugs are prepared must be labeled as hazardous, regardless of whether the drug ingredients are considered hazardous. During the hazardous drug compounding that is performed in a compounding aseptic containment isolator, full hand hygiene and garbing must occur, complete with hair cover, facemask, beard cover (if applicable), polypropylene or low shedding gown that closes in the back, shoe covers, and two layers of gloves with the outermost glove tested to meet ASTM 6978-05. Where the documentation provided by CACI manufacturer does not require garbing, only the two glove requirement shall apply.”

- Subdivision (h) was added to provide requirements if compounding aseptic isolators are used, “If a compounding aseptic isolator is certified by the manufacturer to maintain ISO Class 5 air quality during dynamic operation conditions during compounding as well as during the transfer of ingredients into and out of the compounding aseptic isolator, then it may be placed into a non-ISO classified room. Individuals that use compounding aseptic isolators in this manner must ensure appropriate garbing, which consists of donning sterile gloves over the isolator gloves immediately before non-hazardous compounding. These sterile gloves must be changed by each individual whenever continuous compounding is ceased and before compounding starts again.”
- Subdivision (i) was added to provide clarity on viable surface sampling and volumetric air sampling requirements, “Viable surface sampling shall be done at least quarterly for all sterile-to-sterile compounding and monthly for all non-sterile-to-sterile compounding. Volumetric air sampling by impaction shall be done at least once every six months. Viable surface and volumetric air sampling shall be performed by a qualified individual who is familiar with the methods and procedures for surface testing and air sampling. Viable air sampling is to be performed under dynamic conditions that simulate actual production. Surface sampling is to be performed under dynamic conditions of actual compounding. When the environmental monitoring action levels are exceeded, the pharmacy shall identify the CFUs at least to the genus level in addition to conducting an investigation. Remediation shall include an immediate investigation of cleaning and compounding operations and facility management.”

- Subdivision (j) was added to provide clarity for the working environment of compounding personnel, “The pharmacy shall have a comfortable and well-lighted working environment, which includes a room temperature of 20 degrees Celsius (68 degrees Fahrenheit) or cooler to maintain comfortable conditions for compounding personnel when attired in the required compounding garb.”

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751.4 are required to update the facility and equipment standards for sterile compounding requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Amend 16 CCR §1751.5

Existing regulations at 16 CCR §1751.5 specify requirements for sterile injectable compounding attire. The purpose of the board’s proposal will change the section’s title from “Sterile Injectable Compounding Attire” to “Sterile Compounding Attire” to delineate the sterile compounding attire requirements. The rationale that this change is necessary is based on the fact that the board’s proposal will clarify the board’s intentions with regard to sterile compounding requirements in regulations and addressed the problem of ensuring the board’s licensees understand the intent of the regulation. The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Existing regulations at 16 CCR §1751.5 specify compounding policies and procedures.

The purpose of the board’s proposal makes the following changes:

- Subdivision (a) is deleted and later rephrased in the new subdivision (b) to further define the requirements for appropriate attire when preparing hazardous agents.
- Subdivision (a) is renumbered from previous subdivision (b). The word “drug” was added and “products” was replaced with “preparations” as well as “from one or more non-sterile ingredients” was deleted to clarify when compounding sterile drug preparation standards must be met.
- Subdivision (a)(1) replaced the words “Cleanroom garb” with “Personal protective

equipment” as well as “low” changed to “non” and “coverall” changed to “gown” to describe the type of attire required during sterile compounding. The phrases “facial hair covers (if applicable),” and “, unless the compounding aseptic isolator or compounding aseptic containment isolator manufacturer can provide written documentation, based on validated environmental testing, that any component of the personal protective equipment or personnel cleansing are not required” were added to further describe the requirements as well as allow for the manufacturer’s specifications of compounding aseptic isolator or compounding aseptic containment isolator.

- Subdivision (a)(2) deleted “Cleanroom garb” and replaced with “Personal protective equipment” as well as replaced “outside the designated area” with “in an ante-area or immediately outside the segregated compounding area” to further clarify what must be donned and removed when preparing sterile compounding.
- Subdivision (a)(3) added the following sentences to further clarify the order in which personal protective equipment must be donned, “Personnel shall don personal protective equipment in an order that proceeds from those activities considered the dirtiest to those considered the cleanest. The following order is to be followed unless the pharmacy has a procedure in place that documents a method equivalent to or superior to the method described here: The donning of shoe covers or dedicated shoes, head and facial hair covers and face masks shall be followed by the washing of hands and forearms up to the elbows for 30 seconds with soap and water, drying hands, and then the donning of a non-shedding gown.”
- Subdivision (a)(4) is renumbered from previous subdivision (a)(3) and added “Compounding personnel shall not wear” and the “H” was changed to “h.” Additionally, the word “and” was changed to “or” while the phrase “must be eliminated” was deleted. All changes were made to specify who should not wear jewelry during compounding.
- Previous subdivision (a)(4) was deleted for redundancy.
- Subdivision (a)(5) was added in lieu of Subdivision (a) (4) by striking, “Gloves made of low-shedding materials are required” and adding, “Sterile gloves that have been tested for compatibility with disinfection with isopropyl alcohol are required. Hand cleansing with a persistently active alcohol-based product followed by the donning of sterile gloves may occur within the ante or buffer area or cleanroom. Gloves are to be routinely disinfected with sterile 70 percent isopropyl alcohol before entering or re-entering the PEC and after contact with non-sterile objects. Gloves shall also be routinely inspected for holes, punctures, or tears and replaced immediately if such are detected.” to further specify the requirements for sterile gloves to be worn during sterile compounding.
- Subdivision (a)(6) was added to specify personnel who are not allowed to participate in sterile compounding when the following applies, “Individuals experiencing rashes, sunburn, weeping sores, conjunctivitis, active respiratory infections, or those wearing cosmetics shall be excluded from the ISO Class 5 and ISO Class 7 compounding areas until their conditions are remedied.”
- Subdivision (c) was deleted as previous subdivisions (a) and (b) were amended and subdivision (c) no longer applies.

- Subdivision (b) was added to specify attire to be required while preparing hazardous agents as, “When preparing hazardous agents, appropriate gowns and personal protective equipment shall be worn regardless of the PECs used (e.g., biological safety cabinet and compounding aseptic containment isolator).”

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751.5 are required to update the sterile compounding attire for compounded drug preparation requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Amend 16 CCR §1751.6

Existing regulations at 16 CCR §1751.6 specify requirements for training of sterile injectable compounding staff, patient, and caregiver for sterile injectable compounding. The purpose of the board’s proposal will change the section’s title from “Training of Sterile Injectable Compounding Staff, Patient, and Caregiver.” to “Sterile Compounding Consultation; Training of Sterile Compounding Staff.” to further clarify requirements on sterile compounding consultation and training of staff. The rationale that this change is necessary is based on the fact that the board’s proposal will clarify the board’s intentions with regard to sterile compounding requirements in regulations and addressed the problem of ensuring the board’s licensees understand the intent of the regulation. The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Existing regulations at 16 CCR §1751.6 specify sterile compounding consultation and training of sterile compounding staff.

The purpose of the board’s proposal makes the following changes:

- Subdivision (a) added the phrase, “, storage, handling, and disposal” to further clarify direction that should be provided to the patient and/or caregiver about instructions for taking sterile compounded drugs. The subdivision also deleted the word “injectable” and replaced with “drug” referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.).

California law prior to July 1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word “products” was deleted and replaced with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.

- Subdivision (b) deleted the phrase “be responsible to” and added “that” to further clarify the pharmacist-in-charge’s responsibilities for training of compounding staff. The subdivision also deleted the word “injectable” twice and replaced with “drug” once referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July 1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word “shall” was deleted as it was redundant. The word “products” was deleted twice and replaced with “preparations” twice to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The word “cytotoxic” was deleted twice and replaced with “hazardous” twice to be more specific in the requirements of specific agents.
- Subdivision (d) deleted the word “injectable” and replaced with “drug” referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July 1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word “products” was deleted and replaced with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (e) deleted the phrase “products from one or more non-sterile ingredients” and replaced it with “preparations” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (e)(1)(C) deleted the word “product” and replaced with the word “preparation” to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (e)(1)(E) added the phrase “using media-fill tests which are as complicated

as the most complex manipulations performed by staff and which contain the same amount or greater of volume transferred during the selected manipulations” to further specify the requirements for aseptic procedures.

- Subdivision (e)(1)(F) added “hand hygiene” to further specify the requirements for proper techniques required.
- Subdivision (e)(1)(H) added the words “of the” and “and” and deleted “used in” to clarify the requirement for cleaning, sanitizing, and maintaining the equipment and the controlled area.
- Subdivision (e)(1)(I) added “for compounding sterile drug preparations from one or more non-sterile ingredients” to further specify the sterilization technique requirement.
- Subdivision (e)(2) deleted the phrase “assigned to the controlled area” and replaced with the phrase “engaged in sterile compounding” as well as added the phrase “at least” to clarify the requirement for practical skills training in aseptic technique and aseptic area practices.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751.6 are required to update the sterile compounding consultation and training of sterile compounding staff requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1751.7

Existing regulations at 16 CCR §1751.7 specify requirements for sterile injectable compounding quality assurance and process validation. The purpose of the board’s proposal will change the section’s title from “Sterile Injectable Compounding Quality Assurance and Process Validation.” to “Sterile Compounding Quality Assurance and Process Validation.” to further clarify requirements on sterile compounding quality assurance and process validation. The rationale that this change is necessary is based on the fact that the board’s proposal will clarify the board’s intentions with regard to sterile compounding requirements in regulations and addressed the problem of ensuring the board’s licensees understand the intent of the regulation. The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Existing regulations at 16 CCR §1751.7 specify sterile compounding quality assurance and process validation.

The purpose of the board's proposal makes the following changes:

- Subdivision (a) deleted the word "injectable" referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word "products" was deleted and replaced with "preparations" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The words "Quality Assurance Program" were changed to "quality assurance program" to correct the grammar.
- Subdivision (a)(1) added the words "Procedures for" in the beginning of the sentence; changed the "C" to "c" in cleaning; deleted the words "parenteral medication" and added the word "sterile" to further specify the procedures for cleaning and sanitizing the sterile preparation area.
- Subdivision (a)(2) deleted in its entirety [as the requirement was relocated to 1735.5](#).
- Subdivision (a)(2) is renumbered from previous subdivision (a)(3).
- Subdivision (a)(3) is renumbered from previous subdivision (a)(4). Subdivision (a)(3) deleted "Written justification of" and replaced with "Documentation justifying" to specify the requirement for documentation justifying the chosen beyond use dates. The word "expiration" was replaced with "beyond use" to specify the use of beyond use instead of expiration date. Subdivision (a) (3) also deleted the word "injectable" and added the word "drug" referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word "products" was deleted and replaced with "preparations" to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.
- Subdivision (b) deleted the word "injectable" three times and added the word "drug" twice referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word "products" was deleted three times and replaced with "preparations" three times to

clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA. The phrase “demonstrate competency by successfully performing aseptic media-fill tests” replaced “complete a validation process on technique” to specify the completion of a successful aseptic media-fill test. The following was deleted, “The validation process shall be carried out in the same manner as normal production, except that an appropriate microbiological growth medium is used in place of the actual product used during sterile preparation. The validation process shall be representative of all types of manipulations, products and batch sizes the individual is expected to prepare.” The following was added to indicate the level of complexity of the required media fill testing process, “The media fill testing process shall be as complicated as the most complex manipulations performed by staff and contain the same amount of volume transferred during the compounding process” as this is captured in identifying the aseptic media-fill test. This sentence was added to provide qualifications for a successful media test, “The media fill testing process shall be as complicated as the most complex manipulations performed by staff and contain the same amount or greater of volume transferred during the compounding process. The same personnel, procedures, equipment, and materials must be involved. Media used must have demonstrated the ability to support and promote growth.” The word “medium” was corrected to state “media” for correct grammar. The phrase “in a manner consistent with the manufacturer’s recommendations” was added to incorporate inclusion of manufacture’s recommendations into the qualifications for successful media testing. The words “employee’s” and “and documented” were added and “media-fill testing” replaced “validation process” to further clarify procedures when microbial growth was found in an employee’s sterile preparation process. The phrase “for sterile to sterile compounding and at least every six months for individuals compounding sterile products from non-sterile ingredients. Aseptic work practice assessments via media fill tests must be revalidated, as appropriate to the circumstance or personnel found to be deficient” was added to specify competency revalidation for sterile to sterile compounding and non-sterile to sterile compounding. The words “repaired or” were deleted to leave only “replaced.”

- Subdivision (c) was added to specify and clarify what procedures are included in the initial competency evaluation, “All sterile compounding personnel must successfully complete an initial competency evaluation. In addition, immediately following the initial hand hygiene and garbing procedure, all compounding personnel must successfully complete a gloved fingertip sampling procedure (zero colony forming units for both hands) at least three times before initially being allowed to compound sterile drug preparations.”
- Subdivision (d) was added to specify and clarify the components and time specific elements of re-evaluation, “Re-evaluation of garbing and gloving competency shall occur at least every 12 months for personnel compounding products made from sterile ingredients and at least every six months for personnel compounding products from non-sterile ingredients.”
- Subdivision (e) is renumbered from previous subdivision (c). Subdivision (e) was

amended and deleted “Batch-produced sterile injectable drug products compounded from one or more non-sterile ingredients” and replaced with “Non-sterile-to-sterile batch drug preparations” to provide clarity. Additionally, “per USP chapter 85 limits, before dispensing” to detail the acceptable levels of pyrogens. Finally, “This requirement of end product testing confirming sterility and acceptable levels of pyrogens prior to dispensing shall apply regardless of any sterility or pyrogen testing that may have been conducted on any ingredient or combination of ingredients that were previously non-sterile” was added to clarify the testing requirements.

- Subdivision (d) was deleted as it was redundant.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751.7 are required to update the sterile compounding quality assurance and process validation requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Amend 16 CCR §1751.8

Existing regulations at 16 CCR §1751.8 was added as “Beyond Use Dating for Sterile Compounded Drug Preparations” to specify beyond use dating requirements. The rationale that this change is necessary is based on the fact that the board’s proposal will update the sterile compounding quality assurance and process validation requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved. The regulation that previously held 16 CCR §1751.8 was changed to 16 CCR §1751.10.

The purpose of the board’s proposal makes the following changes to add the following section as 16 CCR §1751.8:

“1751.8. Beyond Use Dating for Sterile Compounded Drug Preparations.

In conformity with and in addition to the requirements and limitations of section 1735.2, subdivision (h), every sterile compounded drug preparation shall be given and labeled with a beyond use date that does not exceed the expiration date or beyond use date provided by the manufacturer for any component in the preparation, and that, in the absence of passing a sterility test in accordance with standards for sterility testing found in Chapter 797 of the United States Pharmacopeia – National Formulary (USP37-NF32) Through 2nd Supplement (37th Revision, Effective December 1, 2014), hereby incorporated by reference, that would justify a more extended beyond use date, conforms to the following limitations:

(a) The beyond use date shall specify that storage and exposure periods cannot exceed 48 hours at controlled room temperature, 14 days at controlled cold temperature, and 45 days at controlled freezer temperature, where the sterile compounded drug preparation is compounded solely with aseptic manipulations and all of the following apply:

(1) The preparation is compounded entirely within an ISO Class 5 PEC located in an ISO Class 7 buffer area or cleanroom with an ante-area, using only sterile ingredients, products, components, and devices; and

(2) The compounding process involves transferring, measuring, and mixing manipulations using not more than three commercially manufactured packages of sterile preparations and not more than two entries into any one sterile container or package of sterile preparations or administration containers/devices to prepare the drug preparation; and

(3) Compounding manipulations are limited to aseptically opening ampules, penetrating disinfected stoppers on vials with sterile needles and syringes, and transferring sterile liquids in sterile syringes to sterile administration devices, package containers of other sterile preparations, and containers for storage dispensing.

(b) The beyond use date shall specify that storage and exposure periods cannot exceed 30 hours at controlled room temperature, 9 days at controlled cold temperature, and 45 days at controlled freezer temperature, where the sterile compounded drug preparation is compounded solely with aseptic manipulations and all of the following apply:

(1) The preparation is compounded entirely within an ISO Class 5 PEC located in an ISO Class 7 buffer area or cleanroom with an ante-area, using multiple individual or small doses of sterile preparations combined or pooled to prepare a compounded sterile preparation that will be administered either to multiple patients or to one patient on multiple occasions; and

(2) The compounding process involves complex aseptic manipulations other than the single-volume transfer; and

(3) The compounding process requires unusually long duration such as that required to complete dissolution or homogenous mixing.

(c) The beyond use date shall specify that storage and exposure periods cannot exceed 24 hours at controlled room temperature, 3 days at controlled cold temperature, and 45 days at controlled freezer temperature, where the sterile compounded drug preparation is compounded solely with aseptic manipulations using

non-sterile ingredients, including manufactured preparations not intended for sterile routes of administration, or non-sterile devices, before terminal sterilization, or where the sterile compounded drug preparation lacks effective antimicrobial preservatives. For the purposes of this subdivision, “non-sterile” includes sterile contents of commercially manufactured preparations, sterile surfaces of devices, and containers for the preparation, transfer, sterilization, and packaging of compounded sterile preparations, that are exposed to worse than ISO Class 5 air quality for more than one hour.

(d) The beyond use date shall specify that storage and exposure periods cannot exceed 12 hours where the sterile compounded drug preparation is compounded solely with aseptic manipulations and all of the following apply:

- (1) The preparation was compounded entirely within an ISO Class 5 PEC that is located in a segregated sterile compounding area and restricted to sterile compounding activities, using only sterile ingredients, components, and devices, by personnel properly cleansed and garbed; and
- (2) The compounding process involves simple transfer of not more than three commercially manufactured packages of sterile nonhazardous preparations or diagnostic radiopharmaceutical preparations from the manufacturer’s original containers; and
- (3) The compounding process involves not more than two entries into any one container or package (e.g., bag, vial) of sterile infusion solution or administration container/device.

(e)(1) Where any sterile compounded drug preparation was compounded either outside of an ISO class 5 PEC or under conditions that do not meet all of the requirements for any of subdivisions (a) through (e), the sterile compounded drug preparation shall be labeled “for immediate use only” and administration shall begin no later than one hour following the start of the compounding process. Unless the “immediate use” preparation is immediately and completely administered by the person who prepared it or immediate and complete administration is witnessed by the preparer, the preparation shall bear a label listing patient identification information, the names and amounts of all ingredients, the name or initials of the person who prepared the compounded sterile preparation, and the exact one-hour beyond use date and time. If administration has not begun within one hour following the start of the compounding process, the compounded sterile preparation shall be promptly, properly, entirely, and safely discarded. This provision does not preclude the use of a PEC to compound an “immediate use” preparation. A PEC used solely to compound ‘immediate use’ preparations need not be placed within an ISO Class 7 buffer area or cleanroom, with an ante-area.

(2) Such “immediate use” preparations shall be compounded only in those limited situations where there is a need for immediate administration of a sterile preparation compounded outside of an ISO class 5 environment and where failure to administer could result in loss of life or intense suffering. Any such compounding shall be only in such quantity as is necessary to meet the immediate need and the circumstance causing the immediate need shall be documented in accordance with policies and procedures.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.”

These additions are needed to ensure accurate beyond use dating is occurring based on the compounding method and storage to ensure patient safety. Additionally, the rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751.8 are required to add the beyond use dating for sterile compounded drug preparation requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

Add 16 CCR §1751.9

Existing regulations at 16 CCR §1751.9 was added as “Single-Dose and Multi-Dose Containers; Limitations on Use” to specify single-dose and multi-dose containers and limitations on use requirements. The rationale that this change is necessary is based on the fact that the board’s proposal will add the single-dose and multi-dose containers and limitations on use requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board’s proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

The purpose of the board’s proposal makes the following changes to add the following section as 16 CCR §1751.9:

“1751.9 Single-Dose and Multi-Dose Containers; Limitations on Use

- (a) Single-dose ampules are for immediate use only, and once opened shall not be stored for any time period. This addition is needed to align with USP 797 and prevent contamination of the preparation within the ampule.
- (b) Unless otherwise specified by the manufacturer, any single-dose container of a

compounded sterile drug preparation other than an ampule, such as a bag, bottle, syringe or vial, shall be used in its entirety or its remaining contents discarded within the following time limit, depending on the environment:

(1) When needle-punctured in an environment with air quality worse than ISO Class 5, within one (1) hour; This addition is needed to align with USP 797 and prevent contamination of the preparation.

(2) When needle-punctured in an environment with ISO Class 5 or better air quality, within six (6) hours. This addition is needed to align with USP 797 and prevent contamination of the preparation.

(c) Unless otherwise specified by the manufacturer, a multi-dose container stored according to the manufacturer's specifications shall be used in its entirety or its remaining contents discarded within twenty eight (28) days from initial opening or puncture. Any multi-dose container not stored according to the manufacturer's specifications shall be discarded immediately upon identification of such storage circumstance. This addition is needed to align with USP 797 and prevent contamination of the preparation.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code."

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751.9 are required to add the single-dose and multi-dose containers and limitations on use requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Renumber 16 CCR §1751.8 to §1751.10

Existing regulations at 16 CCR §1751.8 specify sterile injectable compounding reference materials. 16 CCR §1751.8 is renumbered to 16 CCR §1751.10 and changed from "Sterile Injectable Compounding Reference Materials" to "Sterile Compounding Reference Materials." The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The word "injectable" was deleted from the title referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July1, 2014, required a sterile compounding license for sterile

compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

The purpose of the board's proposal makes the following changes:

- The word "injectable" was deleted twice and the word "drug" was added once referring to sterile injectable compounding and to reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). California law prior to July 1, 2014, required a sterile compounding license for sterile compounding administered by route of injection only. SB 294 adds sterile compounding licensing requirements for sterile compounded drug products to include route of administration of injection as well as route of administration into the eye or inhalation. The word "products" was deleted twice and replaced with "preparations" two times to clarify the drug or nutrient compounded is compounded in a licensed pharmacy where product indicates it is a commercially manufactured drug or nutrient that has been evaluated for safety and efficacy by the FDA.

The rationale that these changes are necessary is based on the fact that the proposed language aligns board regulation with the implementation of SB 294 commencing July 1, 2014. The necessity of these changes in 16 CCR §1751.10 are required to update the sterile compounding reference materials requirements. The problem addressed is to ensure current compounding regulations reflect changes in current law as a result of SB 294 (Emmerson, Statutes of 2013, Chapter 565.). The board's proposal also addresses the problem of ensuring that board regulations are aligned with compounding standards in USP 37 <797> and reducing such discrepancy for the compounding profession who are compounding drug products in California and shipping into California so as to ensure the safety of all consumers receiving compounded drugs in California. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved.

#### Article 7.5 Furnishing for Home Administration

Article 7.5 Furnishing for Home Administration was added as the remaining sections pertained to furnishing for home administration and not sterile compounding.

- *Renumber 16 CCR §1751.10 to 16 CCR §1752*
- *Renumber 16 CCR §1751.11 to 16 CCR §1753*
- *In renumbered 16 CCR §1753, deleted "and" from the Authority Cited section as this was a duplicate and was removed to correct the grammar.*
- *Renumber 16 CCR §1751.12 to 16 CCR §1754*

The rationale that this change is necessary is based on the fact that the board's proposal will remove them from the Article 7 pertaining to Sterile Compounding as they are not related to the topic. The problem addressed is to ensure accuracy in the regulations in that the article titles reflect the content of the article. This is a real benefit to the people of the State of California particularly when the protection of public health and safety, worker safety, or the environment is involved as pharmacist and the people working in the industry will be able to better identify code sections based on the naming convention.

### Factual Basis

Business and Professions Code section 4005 generally authorizes the board to amend rules and regulations necessary for the protection of the public pertaining to the practice of pharmacy and the administration of Chapter 9 of Division 2 of the Business and Professions Code.

Business and Professions Code section 4057 provides exceptions to application of this chapter.

Business and Professions Code section 4127 requires the board to adopt regulations establishing standards for compounding injectable sterile drug products in a pharmacy.

Business and Professions Code section 4169 generally authorizes the board to subject the person or entity that has committed the violation of Business and Professions Code section 4169 a fine not to exceed the amount specified in section 125.9 for each occurrence, pursuant to a citation issued by the board.

### Underlying Data

1. Senate Bill 294 (Emmerson, Statutes of 2013, Chapter 565.)
2. Senate Floor Analyses for SB 294 (September 10, 2013).
3. H.R. 3204, Drug Quality and Security Act, 113<sup>th</sup> Congress (2013-14)
4. Chapter 71 of the United States Pharmacopeia - National Formulary (USP37 - NF32 through 2<sup>nd</sup> Supplement) (37th Revision, Effective December 1, 2014).
5. Chapter 85 of the United States Pharmacopeia - National Formulary (USP37 - NF32 through 2<sup>nd</sup> Supplement) (37th Revision, Effective December 1, 2014).
6. Chapter 151 of the United States Pharmacopeia - National Formulary (USP37 - NF32 through 2<sup>nd</sup> Supplement) (37th Revision, Effective December 1, 2014).
7. Chapter 795 of the United States Pharmacopeia - National Formulary (USP37 - NF32 through 2<sup>nd</sup> Supplement) (37th Revision, Effective December 1, 2014).
8. Chapter 797 of the United States Pharmacopeia - National Formulary (USP37 - NF32 through 2<sup>nd</sup> Supplement) (37th Revision, Effective December 1, 2014).
9. NSF International Standard/American National Standard for Biosafety Cabinetry - Biosafety Cabinetry: Design, Construction, Performance, and Field Certification [NSF/ANSI 49 - 2012], as revised July 7, 2012.

10. "Multistate Fungal Meningitis Outbreak Investigation." Centers for Disease Control and Prevention. Centers for Disease Control and Prevention, 23 Oct. 2013. Web. 27 August 2014.
11. "Standards for Classification of Cleanroom," www.icccs.net, Published February 2005 on <http://www.icccs.net/news/ClassificationOfCleanrooms2005.pdf>.
12. CETA Certification Guide for Sterile Compounding Facilities (CAG-003-2006-11, Revised January 31, 2012).
13. "Outsourcing and Insourcing at a Small Community Hospital: Practical and Safe Approaches to Overcoming Challenges," Deborah Barrow, Pharm.D., Director of Pharmacy, Mariners Hospital, Tavernier, Florida, presented at the July 30-31, 2014, Board Meeting over the telephone.
14. Relevant Meeting Materials and Minutes from the Board of Pharmacy Meetings held April 23-24, 2014; June 26, 2014; and July 30-31, 2014.
15. Economic Impact Assessment

### Business Impact

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed changes will help protect the public health based on the proposed changes described in the Notice. Additionally, based on information received from several currently licensed sterile compounding pharmacies, the potential one-time cost is estimated to be \$2,500-\$33,500 based on the pharmacy's potential need to move a sink, purchase a compounding aseptic isolator (CAI), and/or purchase a compounding aseptic containment isolator (CACI). The potential annual net increase in cost is estimated to be between \$7,500 and \$15,500. Respectively, these amounts are less than 27% and 13% of the annual average pharmacist salary. It is the board's intent that these health and safety requirements will result in less deaths due to contaminated compounded drug products by ensuring the highest standards for compounded drug products for California citizens. While a human life may not have a dollar amount place upon assessment, an increase of less than \$34,000 in the first year and annual costs of less than \$16,000 annual is not adverse to prevent the unnecessary loss of Californian lives.

### Benefits

Business and Professions Code section 4005 states that "the board may adopt rules and regulations....pertaining to the practice of pharmacy...." Further, Business and Professions Code 4001.1 states that the "protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." The board believes the regulatory changes as described in the Notice will serve to protect the public health by ensuring that compounded drug products are prepared efficaciously; that the drug products are labeled appropriately; that they are stored in a manner so as to protect the effectiveness of the drug products; and to provide safeguards so that compounded drug products dispensed to patients have appropriate expiration dates.

### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

### Consideration of Alternatives

The Board of Pharmacy has made an initial determination that no reasonable alternative to adopting or amending the regulations would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described the Notice.